

SECTION 5310 STATE MANAGEMENT PLAN

FEDERAL CAPITAL ASSISTANCE FOR THE TRANSPORTATION OF ELDERLY PERSONS AND PERSONS WITH DISABILITIES

**State of Indiana
Mitchell E. Daniels Jr., Governor**

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INTRODUCTION

Section 5310 of the Federal Transit Act, declares as national policy that elderly persons and persons with disabilities have the same right to access transportation services as other persons. Section 5310 authorizes federal capital assistance grants to meet the special needs of elderly persons and persons with disabilities where public mass transportation services are unavailable, insufficient or inappropriate. Eligible applicants include private non-profit organizations and public bodies that coordinate specialized transportation services.

The Section 5310 program supplements other Federal Transit Administration capital assistance programs by funding equipment for transporting elderly persons and persons with disabilities.

Indiana annually receives about \$2.3 million in federal funds to distribute on an 80% federal and 20% local matching basis. The Governor of Indiana has designated the Indiana Department of Transportation (INDOT) as the agency responsible for administering Indiana's Section 5310 allocation.

The Indiana Department of Transportation, Office of Transit solicits Section 5310 applications, selects projects, executes grant awards, buys equipment and monitors vehicle operation.

The **Section 5310 State Management Plan** explains the policies and procedures used by INDOT to implement the Section 5310 program.

A. PROGRAM GOALS AND OBJECTIVES

INDOT has identified the following goals to provide direction in the implementation of the Section 5310 program.

- To improve the access of elderly persons and persons with disabilities to shopping, education, employment, health care, recreation and all other community services;
- To promote safe, effective and efficient delivery of transportation services for elderly persons and persons with disabilities;
- To assist in the maintenance, development and improvement of transportation services for elderly persons and persons with disabilities;
- To promote the maximum feasible coordination of Section 5310 funded services with other federal/state funding programs and local transportation providers.

B. ROLES AND RESPONSIBILITIES

Subrecipient

The subrecipient is responsible for developing the Section 5310 grant application and support documentation as required by INDOT. The subrecipient must also accept responsibility for operation of the vehicle.

Local Transportation Advisory Committee (TAC)

INDOT requires all subrecipient to participate in any existing Transportation Advisory Committee (TAC), or establish a TAC should none exist. Many areas already have groups that perform the functions of a TAC. These groups are acceptable as long as they have the proper representation and perform the activities required of a TAC.

The local TAC should consist of representatives from all sectors interested in the delivery of transportation services to elderly persons and persons with disabilities. Suggested representation includes:

1. Private for-profit and private non-profit transportation operators
2. Public non-profit transportation operators
3. Public transit providers
4. Social service agencies
5. Local elected officials
6. Consumers of elderly/disabled transportation services
7. Local and/or regional planners

Metropolitan Planning Organization (MPO)

The Metropolitan Planning Organization exists only in urbanized areas as a function of a local governmental unit or separate non-profit planning corporation. INDOT requires applicants from an urbanized area to submit their Section 5310 application to the MPO for inclusion in the Transportation Improvement Program (TIP). The purpose of a TIP is to describe and prioritize all publicly funded highway and transit projects into a single, comprehensive document.

The MPO reviews the application in relation to the goals and objectives of the TIP. The MPO (or local TAC) must prioritize any two or more Section 5310 applications from the urbanized area. MPOs are also responsible for development of their urban area Public Transit – Human Services Coordination Plan.

Indiana Department of Transportation (INDOT)

As the Section 5310 administrative agency, the INDOT is responsible for:

1. Developing program criteria;
2. Soliciting, reviewing and approving applications;

3. Procurement and monitoring of equipment throughout its useful life;
4. Improving the coordination of specialized transportation services at the state and local levels;

Indiana Specialized Transportation Advisory Group (ISTAG)

INDOT has established the Indiana Specialized Transportation Advisory Group (ISTAG) to facilitate cooperation and coordination between other state administered transportation programs. The purpose of this group is two-fold: 1) to assist INDOT in the review and selection of Section 5310 grant applications, and 2) to provide a forum for discussing strategies and policies that may assist specialized transportation assistance programs at the state and local levels.

The ISTAG consists of representatives from state agencies involved in the provision of specialized transportation services.

Federal Transit Administration (FTA)

The Federal Transit Administration is the federal agency responsible for oversight of the Section 5310 program. FTA reviews the statewide application before releasing the State's allocation of funding. The FTA Regional office requires annual program and financial reports to ensure that each state is meeting program objectives. FTA has issued guidelines (Circular FTA 9070) which INDOT uses for administering the Section 5310 program.

FTA Section 5311 Program

The Section 5311 program makes federal operating and capital assistance available to rural areas for the development, improvement and use of public transportation systems. INDOT administers this program on behalf of the Federal Transit Administration.

Many Section 5311 recipients or operators in Indiana are non-profit organizations or public bodies. These agencies are eligible to receive assistance through the Section 5310 program. INDOT encourages Section 5310 applicants to participate in coordinating transportation with Section 5311 grantees as long as coordinated services will continue to meet the purposes of both programs.

Surface Transportation Program

The federal Surface Transportation Program (STP) is a source of flexible funds for both highways and transit projects. At a state's discretion, it may use STP funds for transit capital projects that meet the needs of elderly persons and persons with disabilities. In addition, INDOT may use local STP funds for similar transit capital projects.

INDOT Long Range Planning Process

The INDOT planning process is constantly looking for and receiving comments and input from citizens, elected officials and transportation professionals for its Long Range Plan and updates. INDOT's Long Range Transportation Planning staff has the responsibility to maintain and update the Long Range Plan. This requires the staff to monitor current transportation conditions and forecast future needs of the State. The use of the Annual Program Development Process (APDP), corridor studies, and technical planning tools are useful methods employed by staff to understand the needs and concerns of the public and the technical demands of the state's transportation network.

C. COORDINATION

INDOT considers coordination the heart of the Section 5310 grant program. Because demand for Section 5310 funds exceeds the annual allocation, INDOT uses the following state and local mechanisms to affect coordination:

Indiana State Transportation Advisory Group

The ISTAG is comprised of following members:

- Family & Social Services Administration – Division of Disability and Rehabilitation Services
- Family & Social Services Administration – Division of Aging
- Family & Social Services Administration – Office of Medicaid
- Governor's Council for Persons with Disabilities
- Indiana Department of Transportation/Transit Office – Section 5310 Program Manager (Chair)
- Indiana Department of Transportation/Transit Office – Transit Planner

Each ISTAG member independently reviews and scores each application using the Section 5310 grant evaluation criteria. INDOT then ranks applications based on their cumulative score from ISTAG members. INDOT awards funds to the top-ranked applications until available funding runs out.

Local Transportation Advisory Committee

The foundation for maximizing transportation resources is the local Transportation Advisory Committee (TAC). INDOT requires all applicants to participate in any existing TAC or to establish a TAC. The local Transportation Advisory Committee serves as an advisory and information resource to the applicants. INDOT charges each TAC with the following activities and responsibilities:

1. To serve as a forum for the ongoing dialogue with community representatives on key issues, strategies, and plans for implementation as identified in the local Coordination Plan;
2. Engaging in outreach efforts that enhance the coordinated process and identifying the opportunities that are available in building a coordinated system.
3. Reviewing, commenting and prioritizing on the proposed Section 5310 grant application(s) ability to address any identified elderly/disabled transportation service gaps/needs in your service area, or to achieve efficiencies in service delivery, as identified in the local Coordination Plan.
4. Conducting meetings - at a minimum - on a quarterly basis.
6. Serving as a coordinator/host for technical assistance efforts, including training, workshops and seminar.

All these activities are part of an on-going process designed to assist the applicant in effectively using and coordinating local transportation resources. As part of the evaluation criteria, INDOT reviews the minutes of the local TAC meetings.

In addition to regularly scheduled TAC meetings, applicants pursue a variety of coordination activities with other public, not-for-profit and private transportation providers in their service area. Examples of these activities include:

- Joint training efforts (first aid, driver, passenger assistance techniques, etc.);
- Sharing or leasing vehicles with other agencies during normal down time;
- Joint marketing and outreach efforts;
- “Trading” passengers among agencies in cases where services overlap in a particular service area;
- Working together to obtain better prices on vehicle repairs, parts, fuel, insurance, etc.;
- Referring individuals to other agencies in your service area;
- Providing transportation services under contract to other non-profit organizations in your service area.

INDOT encourages all applicants to explore these and other methods for coordinating transportation services. Successful coordination may result in the commitment of other local agencies to purchase service, share resources and fully utilize the transportation services available in your area.

Notification of local transportation providers

All applicants (non-profit and public bodies) must send notification to all public, private for-profit and private non-profit transit providers in their service area. INDOT provides an example of a notification letter with the Section 5310 application package.

Applicants that need assistance in locating providers in their service area may:

- Contact the INDOT Section 5310 Program Manager
- Use internet search engines for locating transit providers in their service area.

The applicant must mail out the notification letters four to six weeks before submitting an application to INDOT.

All applicants must successfully address any negative comments or service proposals it receives from their notification effort. INDOT will review all service proposals and the applicant’s response as part of the application review process.

Public Hearing Notice (Local Public Bodies only)

Public Bodies must afford an adequate opportunity for a public hearing. The Local Public Body must hold the hearing if anyone with a significant economic, social or environmental interest in the application requests a hearing.

Leasing Vehicles

As part of the coordination process, applicants may request that INDOT allow their agency to lease the proposed vehicle(s) to another public or private transportation provider. INDOT will allow this as long as the applicant will maintain **control and responsibility** for the operation of the vehicle. INDOT must agree, in writing, to the lease between the Section 5310 applicant and the transportation provider.

Private Sector Participation

INDOT encourages all applicants to maximize opportunities for participation by private public transportation providers. This includes:

- Soliciting participation in local transportation advisory committees;
- Notifying private providers of pending grant applications; and
- Leasing of vehicles

D. ELIGIBLE SUBRECIPIENTS

A ***private non-profit corporation*** that provides or desires to provide transportation services to elderly persons and/or persons with disabilities. This is defined as an organization incorporated as a private non-profit corporation with the Indiana Secretary of State and receiving tax exempt status, from the Secretary of the Treasury, under 26 U.S.C. Section 501(c)3. Non-profit corporations must certify their non-profit status by providing INDOT a copy of their Certificate of Incorporation filed with the Secretary of State, at the time of application for grant funds.

A Local Public Body that certifies to INDOT that no non-profit corporations or associations are readily available in an area to provide the service. These public bodies must provide INDOT with letters from local private non-profit organizations stating that they do not provide transportation services in the proposed service area. For further information, see Appendix D.

A Local Public Body approved by the state to coordinate services for elderly persons and persons with disabilities. An example of an eligible public body would be a city/county department on aging or a public transit provider. The Local Public Body must provide a copy of documentation stating that 1) a county or multi-county not-for profit agency involved in providing services to elderly persons and/or persons with disabilities; or 2) a Metropolitan Planning Organization approved the Local Public Body as the coordinator of transportation services for elderly and disabled persons in the proposed service area. A Local Public Body may not designate itself as the coordinator of these services. For further information, see Appendix D.

E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

INDOT requires the applicant to provide 20% of the total cost of the equipment described in the application package. To help the applicant in determining the amount of local share, INDOT provides cost estimates in the application package. INDOT bases these estimates on the expected cost of the equipment at the time of purchase.

The applicant must provide the local share as cash match to INDOT before procurement. The following are examples of eligible sources for match funding:

- grant or appropriation from a unit of government;
- income from purchase of service contracts;
- grants from service groups, foundations, individuals, United Way, etc.;
- Other state funds eligible to match federal funds;
- local fund raising efforts

Applicants may not use federal funds as local cash match for Section 5310 capital awards. Applicants must certify the availability of their share with a resolution passed by their Board of Directors or Governing Board. All applicants must list the funding source(s) dedicated to the project.

F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

INDOT conducts a preliminary review to ensure each application has all the necessary information.

INDOT then forwards the applications to the Indiana State Transportation Advisory Group (ISTAG) for review/comment and scoring.

The ISTAG is comprised of following members:

- Family & Social Services Administration – Division of Disability and Rehabilitation Services
- Family & Social Services Administration – Division of Aging
- Family & Social Services Administration – Office of Medicaid
- Governor's Council for Persons with Disabilities
- Indiana Department of Transportation/Transit Office – Section 5310 Program Manager (Chair)
- Indiana Department of Transportation/Transit Office – Transit Planner

Each ISTAG member independently reviews and scores each application using the Section 5310 grant evaluation criteria. INDOT then ranks applications based on their cumulative score from ISTAG members. INDOT awards funds to the top-ranked applications until available funding runs out. INDOT may award partial awards to applicants requesting two or more vehicles.

INDOT expects applicants to submit a complete application. Failure to address every requirement will exclude the application from consideration. Applicants not approved for funding may appeal the decision to the Manager of INDOT's Transit Office. For further information on the grant appeal process, see "Notification" later in this section. INDOT will use the following criteria for the evaluation and selection of applications for Section 5310 assistance.

| Weight Factor | Evaluation Criteria |
|--------------------------|---|
| 0 - 10 points | <u>Coordination:</u> Application is derived from a local or statewide Coordinated Public Transit – Human Services Transportation Plan. Participation in local Transportation Advisory Committee, notification of providers, and prioritization of applications. Identification and description of all existing public transit and human service transportation providers in proposed service area. Identification and description of elderly/disabled transportation service gaps/needs in proposed service area. |
| 0 - 10 points | <u>Project Need:</u> Extent and urgency of need for requested capital equipment: Overview of agency programs and service area. Description of proposed service. Age/miles/condition of vehicle(s) to be replaced, fleet condition, accessibility needs & availability of alternative vehicle funding sources. Documentation of need for expansion vehicles (waiting lists, trip denials, estimated trips, ability to pay for expanded services). Demonstration of how the proposed |

equipment helps address identified elderly/disabled transportation service gaps/needs in proposed service area, along with strategies to address gaps for target populations.

0 – 10 points

Fiscal and managerial capability: Capability to provide responsive transportation to elderly & disabled public within service area. Ability to comply with contract provisions, provide local capital match (20%), vehicle operation and maintenance funding. Ability to develop and implement a preventative maintenance plan, provide driver training, advertise service, provide administrative oversight and organizational stability.

Total possible points: 30

An applicant must score a minimum of 5 points in each category. INDOT awards funds to the top-ranked applications until available funding runs out.

INDOT will use the above criteria to evaluate each vehicle requested from applicants requesting two or more vehicles. INDOT may grant partial awards to applicants requesting two or more vehicles.

INDOT and the review committee will base evaluations on the information included in the application. Insufficient documentation will merit a "0" poor/incomplete rating.

Because of limited program funds, INDOT has designed the application review process to identify projects of merit. INDOT receives about 50 to 60 applications each year and makes full or partial grant awards to an average of 30 to 35 applicants.

Assuring Equity of Distribution of Section 5310 Funds (Title VI)

During early November, INDOT puts public notices in newspapers throughout Indiana that serve minorities informing them of the availability of grant application packages from INDOT. INDOT conducts at least one application assistance workshop in November.

INDOT records each applicant's "ridership percentage by race" to insure an equitable distribution of grant awards among eligible groups within Indiana. INDOT also notes if it funded the application.

Assuring Locally Coordinated Plan

INDOT reviews each grant application to:

- assure that projects were selected from a locally developed coordinated plan; and
- assure that the local coordinated plan was developed in cooperation with stakeholders, including individuals with disabilities and older adults utilizing transportation services.

PART G
ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

(Note: These dates are for the 2008 Section 5310 Grant Cycle
and may vary slightly from year to year)

| Activity | Actor | Time Frame |
|---|-----------------------|---|
| Distribute application package/ application assistance workshop | INDOT | November 2007 |
| Meet with local Transportation Advisory Committee | Applicant | Quarterly |
| Meet with local Metropolitan Planning Organizations for TIP approval and inclusion in Coordination Plan | Applicant (urban) | Dec '07 - Feb '08 |
| Insure inclusion in Statewide Coordination Plan | Applicant (rural) | Dec '07 - Feb '08 |
| Mail notification letters to local transportation providers | Applicant | Dec '07 - Feb '08 |
| Request Public Body Certification | Public Body Applicant | January 9, 2008 |
| Application due to INDOT | Applicant | March 7, 2008 |
| TIP certifications due | Applicant/MPO | March 2008 |
| Indiana Transportation Advisory Group Review | INDOT/ISTAG | April 2008 |
| Statewide application to FTA | INDOT | May 2008 |
| Notify applicants of awards | INDOT | May 2008 |
| Inclusion in INSTIP | INDOT | Summer 2008 |
| Execute grantee contracts | INDOT/Grantee | Summer 2008 |
| Develop vehicle specifications | INDOT | Summer 2008 |
| Solicit and award bids for vehicles | INDOT/IDOA | July - Dec 2008 |
| FTA approves statewide grant | FTA | September 2008 |
| Execute purchase orders for vehicles | INDOT | January 2009 |
| Mail Local share to INDOT | Grantee | January 2009 |
| Vendors deliver vehicles | INDOT/Vendors | March - Dec 2009 |
| Perform financial closeout | INDOT | March - Dec 2009 |
| Submit Semi-Annual Reports | Grantee | July and January (throughout vehicle useful life) |

Section 5310 Program Reviews

INDOT

Ongoing

G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS (continued)

Application

Section 5310 funds are available to potential applicants on an annual basis. INDOT maintains a mailing list of potential applicants. Interested organizations may be put on this mailing list by calling, faxing or mailing INDOT its agency name and address.

INDOT makes an application available to interested applicants – via e-mail and the INDOT Office of Transit website http://www.in.gov/dot/modetrans/bus/tran_6.html, or hard copy - in early November. Applicants then have until the following March to complete the application.

Eligible equipment requests include passenger vehicles, accessibility equipment and communication systems. INDOT includes a brief description for these items in the application package. Applicants may choose only from the vehicle options offered in the application package. By standardizing equipment, INDOT can take advantage of cost savings associated with volume purchasing. INDOT encourages applicants to provide input into the development of vehicle specifications. The best time to offer suggestions is in July or August, prior to solicitation of bids for vehicles awarded during the previous grant cycle.

Under the Americans with Disabilities Act, applicants may request **non lift-equipped** vehicles if they can certify the transportation service provided to persons with disabilities is equivalent to service provided to ambulatory persons. This certification is included with the grant application package and is in effect for the useful life of the vehicle.

Application content

The applicant must demonstrate service coordination, a need for requested equipment, and the fiscal and managerial capability to provide the service proposed in the application.

Applicants serving the same geographical area are encouraged to file jointly. Items such as Project Justification, Project Description, Provider Notification Letter and Public Notice should reflect the joint nature of the application.

All Applications must contain the following items:

Coordination

- Application Information Form
- Inclusion in local Transportation Improvement Plan (urban areas only)
- Inclusion in local or statewide Public Transit – Human Services Coordination Plan
- Local Transportation Advisory Committee membership, minutes and recent activities

- Local Transportation Advisory Committee prioritization of applications (if needed)
- Notification Letter to public and private transportation providers
- Responses to negative comments/service proposal from providers
- Public Hearing (Public Bodies only)
- Local Public Body Certification

Project Justification

- Coordinated Plan/Needs
- Project Description
- Additional support materials (pictures, maintenance records, etc.)
- Vehicle Inventory

Fiscal/Managerial Capability

- Fiscal/Managerial documentation
- Estimated capital budget
- Estimated Annual operating costs (this is not a request for operating assistance)

Certification

- Certificate of Incorporation
- Authorizing Resolution
- Standard Federal Assurances/Certifications
- Certification of Equivalent Service (if requesting a non lift-equipped vehicle)
- Lobbying Certification (if requesting over \$100,000 in federal funds)
- Section 13(c) Labor Protection Certification (if the applicant receives other FTA funding)

The annual INDOT Section 5310 Application package (available from INDOT) further discusses the individual items required in an application.

Notification

Applicants will receive written notification of INDOT's decision 3 to 4 months after the application deadline. INDOT incorporates approved applications into a statewide application (Program of Projects), which it then submits to the Federal Transit Administration. Receipt of FTA approval takes up to three months.

Any applicant not receiving approval of their application may appeal the selection decision to the Manager of INDOT's Transit Office. The Manager of INDOT's Transit Office will review all appeals. The process for filing an appeal is as follows:

1. The affected applicant must send, by certified mail, an appeal within 15 calendar days after receiving notification of INDOT's decision. The appeal should be mailed to:

Indiana Department of Transportation
Transit Office Manager
100 North Senate, Room 955
Indianapolis, IN 46204

2. INDOT will conduct a preliminary review within five working days, and if necessary, request by certified mail additional information from the applicant;
3. INDOT will allow five working days for receipt of additional materials;
4. The Manager of INDOT's Transit Office will make a final decision within 15 working days from the receipt of the appeal request, or within 15 working days from the receipt of additional materials;
5. INDOT will notify the applicant in writing within five working days of its final decision;
6. The applicant may appeal INDOT's final decision in accordance with Indiana Code 4-21.5-3-1, et seq.

Contract Execution

Once INDOT receives FTA approval of the statewide application, INDOT will execute a grant contract with approved subrecipients.

The contract describes the responsibilities of each party, the equipment INDOT will purchase on behalf of the grantee, and the project budget. The President of the Grantee's Board of Directors/Governing Board must sign the contract, while the Board Secretary/Treasurer must attest the Board President's signature. INDOT, State Budget Agency, Indiana Department of Administration and the Attorney General's Office then sign the contract. The contract execution process takes approximately three months. INDOT returns a copy of the fully signed contract to the grantee.

H. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

INDOT uses up to 10% of the state's allocation of Section 5310 funds for program administration costs including administration, planning and technical assistance. INDOT uses these funds for general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment.

INDOT uses a portion of these funds for providing technical assistance through the Indiana Rural Transit Assistance Program (RTAP). RTAP regularly schedules seminars, workshops, and training sessions for rural and specialized transit providers throughout Indiana.

I. TRANSFER OF FUNDS

At its discretion, INDOT may transfer Section 5310 funds apportioned to it to an apportionment under Section 5311(c) or 5307, or both. INDOT will only use transferred funds for eligible Section 5310 projects. INDOT will only make a transfer to Section 5307 only after coordinating with private non-profit providers of services under Section 5310.

INDOT will notify the FTA regional administrator of the State's intent to transfer funds to Section 5307 or Section 5311 for projects selected under Section 5310. The notification will indicate the fiscal year of the apportionment, the amount of funds transferred, the program to which they are being transferred, and the selected Section 5310 projects for which they will be used.

J. PRIVATE SECTOR PARTICIPATION

INDOT encourages all applicants to maximize opportunities for participation by private public transportation providers. This includes:

- Soliciting participation in local transportation advisory committees;
- Notifying private providers of pending grant applications; and
- Leasing of vehicles

K. CIVIL RIGHTS

INDOT will collect Title VI/EEO assurances from subrecipients prior to passing through FTA funds. These Title VI/EEO assurances will be submitted as part of a standard list of assurances provided by subrecipients to INDOT.

State Monitoring of Subrecipients

As part of its monitoring efforts, INDOT will conduct an on-site review of the grantee's project at least once every three years. During this review, INDOT will review the following Title VI/EEO requirements:

- A copy of the agency procedures for tracking and investigating Title VI/EEO complaints.
- A list of any Title VI/EEO investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
- A copy of the agency's notice to the public that it complies with Title VI/EEO and instructions to the public on how to file a discrimination complaint.
- A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.

State Efforts to Assist Minority Applicants and to Include Subrecipients Serving Significant Minority Populations

During early November, INDOT puts public notices in newspapers throughout Indiana that serve minorities informing them of the availability of grant application packages from INDOT.

INDOT conducts at least one application assistance workshop in November.

INDOT records each applicant's "ridership percentage by race" to insure an equitable distribution of grant awards among eligible groups within Indiana. INDOT also notes if it funded the application.

L. SECTION 504 AND ADA REPORTING

INDOT will collect Section 504/ADA assurances from subrecipients prior to passing through FTA funds. These Section 504/ADA assurances will be submitted as part of a standard list of assurances provided by subrecipients to INDOT.

As part of its monitoring efforts, INDOT will conduct an on-site review of the grantee's project at least once every three years. During this review, INDOT will review the following Section 504/ADA requirements:

- Agency's maintenance preventative maintenance schedule for wheelchair lifts/ramps and related equipment
- A list of any Section 504/ADA investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
- Does the agency continue to provide equivalent services to persons with disabilities (Response time, fares, geographic service area, hours and days of service, restrictions on trip purpose, availability of information and reservation capability, and constraints on capacity or service availability)?
- Does the grantee have procedures for investigating and tracking ADA complaints filed against them and making their procedures for filing a complaint available to members of the public upon request?
- Does grantee have written policies regarding transporting of service animals, personal care attendants and portable oxygen?

M. PROGRAM MEASURES

INDOT distributes a **Semi-Annual Report** (Appendix A) to each grantee upon delivery of their vehicle(s). For each vehicle, the grantee must collect ridership, operating and financial information, as well as attest to appropriate vehicle use and management procedures.

INDOT will also use the Section 5310 Semi-Annual Report for collecting and reporting:

- # of older adults and people with disabilities afforded mobility they would not have without Section 5310 vehicles;
- Actual/estimated # of one-way trips provided annually for individuals with disabilities and older adults on Section 5310 supported vehicles.

N. STATE PROGRAM MANAGEMENT

Procurement

INDOT purchases all equipment on behalf of the grantee. INDOT purchases equipment through Indiana Department of Administration (IDOA) Quantity Purchase Awards (QPAs). INDOT develops vehicle specifications for all modified vehicles (low floor mini vans, raised roof vans, body-on-chassis). Prior to solicitation of bids by IDOA, INDOT submits the applicable standard federal clauses to include in the bid documents. IDOA is responsible for soliciting, reviewing and approving all bids for vehicles. The process of awarding bids to vendors is typically complete by the end of December. **Actual delivery of the vehicles will occur 6 to 12 months after bid award.**

After INDOT determines the actual price of the vehicle, INDOT will mail a "Vehicle Options Checklist" to the Grantee. The grantee will select the available options and mail the checklist back to INDOT.

After INDOT receives the "Vehicle Option Checklist" from the grantee, INDOT will mail a Local Share Invoice to the Grantee. The Grantee then has 30 calendar days to submit the local cash share to INDOT. This request for local share typically occurs during the December and January following the grant award. After this 30-day period for submitting local share, INDOT will place orders for the vehicles.

After the vendor notifies INDOT of vehicle delivery, INDOT calls the grantee to give instructions/directions on how and where to pick up the vehicle. In accordance with federal regulations, INDOT performs a federal post-delivery audit of the vehicle to ensure vendor compliance with vehicle specifications, Buy America requirements and federal motor vehicle safety standards.

INDOT is responsible for payment and closeout of the vendor purchase agreements. INDOT will reconcile the financial portion of the INDOT/Grantee contract after delivery of equipment, and refund any unused local share. The operating, reporting and disposition requirements of the contract remain valid throughout the useful life of the vehicle.

Financial Management/Accounting Systems/Audit and Closeout

INDOT charges indirect cost to grants and has a cost allocation plan that was approved by FHWA, INDOT's cognizant Federal agency.

INDOT requests federal funds on a reimbursement basis using monthly reports from the state's accounting system. The reports include payment to vendors and time charged to the programs by staff for the period. INDOT makes ECHO drawdowns either monthly or quarterly.

Section 5310 applicants must submit an annual operating budget, as well as their most recent audit, with their application to demonstrate they have the fiscal resources to operate the vehicle. The ability to provide for the local match and to operate the vehicle are included in the evaluation criteria for approval of the grant application. INDOT requires

that Section 5310 subrecipients provide the local share before it delivers the vehicles. INDOT reviews the annual audits for financial capability prior to grant award.

INDOT has annual audits conducted in accordance with OMB Circular A-128.

Section 5310 subrecipients hire independent auditors to conduct audits. Subrecipients forward copies to INDOT with their grant applications. INDOT also reviews subrecipients' audits as part of the Section 5310 compliance reviews.

Property Management

INDOT maintains a Section 5310 Vehicle database. INDOT uses the database to track semi-annual report submission and to assist with vehicle disposition.

Vehicle Title

Subrecipients are responsible for the licensing and title of Section 5310 vehicles. The Indiana Bureau of Motor Vehicles will issue the title in the name of the Grantee. INDOT places a lien on all vehicles to reflect FTA's 80% interest in the vehicle. INDOT holds the original title until the vehicle has reached its useful life, or until other disposition arrangements are enacted.

Useful Life

The subrecipient is accountable to INDOT throughout the "useful life" of the Section 5310 funded vehicle. INDOT has developed a policy on vehicle classification and useful life to evaluate requests to terminate the contract (i.e., the 80% federal interest) for a particular vehicle.

When a vehicle attains the year or mileage requirements listed below, the subrecipient may contact INDOT and request permission to remove the vehicle from contractual obligation. The primary criteria INDOT will use in making its decision is mileage.

| <u>Vehicle Type</u> | <u>Useful Life</u> | |
|--|--------------------|--------------|
| | <u>Miles</u> | <u>Years</u> |
| Mini-van | 100,000 | 4 |
| Modified Mini-van | 100,000 | 4 |
| Standard Van | 100,000 | 4 |
| Modified Van (with or without lift) | 100,000 | 4 |
| Small, Medium or Large Transit Vehicle | 100,000 | 4 |

As evidence of its approval, INDOT will sign off on the lien and send the title to the Subrecipient.

INDOT's release of the lien does not make the vehicle automatically eligible for replacement through the Section 5310 program. As noted previously, INDOT does not guarantee funding to replace any vehicle. All requests for vehicles, whether replacement of a Section 5310 vehicle or a locally purchased vehicle, are evaluated using the criteria mentioned previously in this document.

After receiving the title, subrecipients no longer need to submit a Section 5310 Semi Annual Report Form on the operation of the vehicle.

The subrecipient should continue to use the vehicle to transport the elderly and persons with disabilities until the subrecipient judges the vehicle unfit for further use. At that time, the subrecipient then may dispose of the vehicle without any financial obligation to INDOT. If the subrecipient decides to sell the vehicle, it should (but is not required to) use the proceeds for transportation purposes.

Disposition Prior to Meeting Useful Life Criteria

Occasionally, a need arises to dispose of or transfer a vehicle before its useful life has ended. In those instances, the subrecipient must notify INDOT of the need to change the contractual agreement.

In order to make this revision, a subrecipient and INDOT must determine the fair market value of the vehicle. A vehicle that does not meet the mileage and/or age criteria on the useful life chart must be disposed of in accordance with instructions from INDOT. Subrecipients must receive written approval from INDOT before any disposition action.

Determination of Fair Market Value

To carry out a disposition option before the vehicle meets the end of its useful life, the subrecipient must obtain an estimate of the vehicle's fair market value. The subrecipient can do this use of the straight-line depreciation method, or by averaging two (2) independent appraisals. INDOT bases the straight-line depreciation method on the useful life and the original cost of the vehicle. The subrecipient may obtain the original cost of the vehicle by contacting INDOT.

The subrecipient must provide these appraisals/depreciation estimates to INDOT along with its written request for releasing the contractual obligations for the vehicle. INDOT will provide guidance that will follow the options listed below.

Disposition Options

1. **Title Transfer** - In this instance, the subrecipient transfers the vehicle's title to another non-profit organization or public body that transports the elderly and persons with disabilities. INDOT can assist the subrecipient with finding another organization. The subrecipient must get two assessments of the vehicle's fair market value, or use the

straight-line depreciation method. These two assessment/depreciation estimates are then reconciled in cooperation with INDOT and the agency receiving the vehicle.

INDOT then allows the other organization to “buy out” the subrecipient’s contract for 20% of the fair market value. This action will buy up the subrecipient’s share of the vehicle. INDOT will amend grant contracts to reflect the transfer of the contractual responsibility. If INDOT or the subrecipient cannot find other provider, INDOT may allow sale of the vehicle using a competitive bid as described below.

2. **Program Transfer** - In this instance, the subrecipient wishes to use the vehicle for a purpose other than originally intended prior to reaching the end of the vehicle’s useful life. For example, the subrecipient may wish to convert the vehicle into a cargo van or for exclusive use in a Meals-on-Wheels program. INDOT will allow the subrecipient to “buy out” their contract. The subrecipient needs two assessments of the vehicle’s fair market value, or uses the straight-line depreciation method. These estimates are then reconciled and the subrecipient pays INDOT 80% of that amount. INDOT will then distribute these proceeds through the next Section 5310 application cycle.
3. **Competitive Bid** - In other instances where the subrecipient wants to dispose of their vehicle before the end of useful life, INDOT will allow the subrecipient to offer the vehicle for sale. The subrecipient will then sell the vehicle using proper sales procedures that provide for honest competition and result in an award to the highest bidder. The subrecipient then keeps 20% of the bid price and uses these funds for transportation services. The subrecipient returns the 80% federal balance to INDOT, where INDOT distributes the funds through the next Section 5310 application cycle.

Insurance Settlements

Subrecipients may replace vehicles damaged beyond repair due to an accident, fire, or theft.

After receiving confirmation from their insurance carrier that the vehicle is a total loss, the subrecipient should contact - via telephone and written letter - the Section 5310 Program Manager. The subrecipient must inform INDOT of the estimated amount of the insurance settlement from the insurance carrier.

INDOT, with concurrence from the subrecipient, may apply the entire insurance settlement toward the replacement vehicle if it will provide the same service as specified in the project application and contract. INDOT will then amend the contract to reflect this change. INDOT will sign off on the lien and send the title to the subrecipient.

INDOT will then purchase the replacement vehicle. The subrecipient may purchase the replacement vehicle with written approval from INDOT. Any replacement vehicle will have INDOT listed as the first lienholder to reflect the federal 80% interest in the vehicle.

Should a subrecipient wish to use the insurance amount for purposes other than replacing their Section 5310 vehicle, the subrecipient will refund 80% of the settlement to INDOT. INDOT will then distribute these proceeds through the next Section 5310 application cycle.

The subrecipient applies the remaining 20% balance to the subrecipient's transportation program.

Subrecipients must receive written approval from INDOT before any disposition action regarding insurance settlements.

VEHICLE USE, MAINTENANCE AND DISPOSITION

Title

Subrecipients are responsible for the licensing and title of Section 5310 vehicles. The Indiana Bureau of Motor Vehicles will issue the title in the name of the Grantee. INDOT places a lien on all vehicles to reflect FTA's 80% interest in the vehicle. INDOT holds the original title until the vehicle has reached its useful life (as defined in Section C "Vehicle Disposition"), or until other disposition arrangements are enacted.

Many subrecipients qualify for municipal license plates. These are available free of charge to rehabilitation facilities, Community Action Agencies, Area Agencies on Aging and County Councils on Aging. Contact your local license branch or the Special Sales Division of the State Bureau of Motor Vehicles at 317/591-5301.

Insurance

INDOT requires all subrecipients to maintain adequate insurance coverage (collision/comprehensive/liability) as required by federal, state and local law and to provide assurance of coverage to protect FTA's 80% interest in the vehicle. The subrecipient is to safeguard against loss, damage or theft of equipment.

Operation

The grantee must use the equipment to provide service within the service area and to the population groups described in the application. The subrecipient must use, maintain and dispose of the equipment in accordance with the grant contract and this State Management Plan.

Use of the vehicle is not limited to agency clientele. The intent is to serve the needs of all elderly and persons with disabilities through coordinated efforts. INDOT encourages subrecipients to make vehicles available for shared use with other agencies and programs. The subrecipient can make the equipment available to service the transportation needs of the public or to provide non-passenger services (Meals-on-Wheels). However, such services must not interfere with the provision of transportation services to the elderly and persons with disabilities.

Subrecipients that operate non lift-equipped Section 5310 vehicles must also provide an equivalent level of service to persons with disabilities. Equivalent services is measured using the following seven criteria: 1) response time, 2) fares, 3) geographic service area,

4) hours and days of service, 5) restrictions on trip purpose, 6) availability of information and reservation capability, and 7) constraints on capacity or service availability.

Leasing Vehicles

Subrecipients may operate their equipment through a lease agreement with another public or private transportation provider. However, the subrecipient must maintain **control and responsibility** for operation of the vehicle. All training, insurance, control, responsibility, maintenance, record keeping and reporting requirements must be certified and monitored through a lease contract with the transportation provider. Federal regulations permit other uses of the vehicle as long as such uses do not interfere with service to the elderly and persons with disabilities.

INDOT must agree, in writing, to the lease between the Section 5310 subrecipient and the transportation provider.

Maintenance

INDOT requires subrecipients to perform preventative maintenance as recommended by the equipment manufacturer. Qualified personnel should perform all necessary maintenance.

As a condition for accepting Section 5310 vehicles, the subrecipient must maintain in operative condition those features of vehicles that are required to make the vehicles readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, signage and systems to facilitate communications with persons with impaired vision or hearing.

Subrecipients shall promptly repair accessibility features if they are damaged or out of order. When an accessibility feature is out of order, the Subrecipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. This does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Subrecipients interested in further information about maintenance should contact the Section 5310 Program Manager and request a copy of the Indiana Preventative Maintenance Manual.

Fees, Program Income and Donations

INDOT encourages subrecipients to generate program income to defray operating costs. However, subrecipients may not use Section 5310 equipment to compete unfairly with private for-profit transportation providers. Subrecipients may charge fees or request donations from their riders. A subrecipient may charge a cost per ride or per mile to

another social service agency or funding source (such as Medicaid) for providing transportation service.

REPORTING REQUIREMENTS/PROGRAM MONITORING

Record Keeping and Reporting

The subrecipient must maintain proper records, including drivers' daily records, passenger trip records, operating expense information, inventory control and maintenance records. INDOT and FTA reserve the right to inspect records for completeness and accuracy at any time.

INDOT permits subrecipients to set up capital reserve accounts to replace existing equipment as long as non-federal revenues fund such accounts. It is allowable for the subrecipient to amortize the 20% local share as an agency expense.

INDOT will distribute a **Semi-Annual Report** forms to each subrecipient upon delivery of their vehicle(s). For each vehicle, the subrecipient must collect ridership, operating and financial information, as well as attest to appropriate vehicle use and management procedures.

Computerized and manual data collection procedures are available from the Rural Transportation Assistance Program at 800/709-9981. Subrecipients must submit Section 5310 Semi-Annual Monitoring Reports by the 18th day of the month following the close of each reporting period.

Chronic failure to complete semi-annual reports accurately and promptly may result in termination of the contract, repossession of project equipment and/or a penalty assessed to subsequent grant applications. Subrecipients must submit Semi-Annual Monitoring Reports throughout the "useful life" of the vehicle as defined in Section C "Vehicle Disposition".

Program Monitoring by INDOT

As part of the grant contract, the Subrecipient shall permit INDOT, FTA or any of their authorized representatives, full access to any books, documents, papers and records relevant to the project. INDOT maintains the right to inspect all project equipment and property. The Subrecipient, INDOT, FTA or any party with a vested interest in the project, may call a meeting to review or discuss project activities.

As part of its monitoring efforts, INDOT will conduct an on-site review of the subrecipient's project at least once every three years. During this review, INDOT will inspect the equipment and related documentation to ensure the subrecipient is compliant in the following areas:

- Vehicle maintenance, including accessibility equipment;

- That the subrecipient is maintaining continuing control and responsibility over the equipment;
- Coordination (the subrecipient has made efforts to coordinate services with other transportation providers);
- Meal Delivery and other incidental services (that this does not conflict with provision of services to the elderly and persons with disabilities);
- ADA service provision (that the subrecipient is providing equivalent service to persons with disabilities);
- School bus service (the subrecipient, if providing exclusive school bus service, is in compliance with all FTA and state regulations);
- Title VI Civil Rights, Section 504, Americans with Disabilities Act and Equal Employment Opportunity requirements;
- Debarment and Suspension (that the subrecipient, its principals, subrecipients or third parties/subcontractors have not been excluded from federally assisted transactions), and whether the agency has any unresolved audit finding(s) related to the Section 5310 program.

The procedure for the Program Review is as follows: 1) desk review of the subrecipient, and 2) site review of the subrecipient. The following is an explanation of each of the individual proceedings:

- Desk Review: INDOT officials will conduct a desk review of the subrecipient. The review will include the following materials: grant applications, contracts, semi-annual reports, vehicle inventory and other materials deemed necessary.
- Site Review: INDOT will conduct this part of the review proceedings at the agency. The review will take about one hour. INDOT will mail the questionnaire used by INDOT to the agency one week before the on-site review. INDOT will discuss comments and develop a remediation plan, if applicable. The Subrecipient will follow up in accordance with a remediation plan, if necessary. If long-term remedies are prescribed, the reviewer may schedule follow-up at appropriate intervals

The mission objective of the compliance review is twofold: 1) to evaluate an agency's compliance with state and federal rules, laws and regulations; and 2) improve the INDOT-subrecipient relationship through cooperation and technical assistance.

A copy of the Section 5310 Program Review Questionnaire is contained in Appendix B.

O. OTHER PROVISIONS

Environmental Protection

Because INDOT primarily uses Section 5310 funds for vehicle purchases, INDOT will assure FTA that all the projects in the application are Categorical Exclusions (CE) under 23 CFR 771.117(c) unless otherwise noted.

If INDOT allows a subrecipient to use Section 5310 funding for purposes other than vehicle purchases (for example, new construction or expansion of transit terminals, storage and maintenance garages, office facilities, and parking facilities), INDOT will screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for CEs and which projects may require additional documentation.

INDOT will coordinate with the FTA regional office early in project development so that any necessary environmental analysis and review will not delay implementation. INDOT will discuss with the FTA regional office any project involving new construction of a facility or substantial rehabilitation of an existing facility to determine the need for information supporting a CE and the applicability of any additional environmental requirements.

Buy America Provisions/Pre-Award and Post Delivery Reviews

INDOT purchases all equipment on behalf of subrecipients. INDOT purchases equipment through Indiana Department of Administration (IDOA) using Quantity Purchase Awards (QPAs).

INDOT is responsible for ensuring bid specifications include all FTA procurement certifications. IDOA is responsible for soliciting, reviewing and approving all bids for vehicles. INDOT is responsible for ensuring vendors meet all Buy America/Pre-Delivery audit provisions (as well as all FTA procurement certifications) prior to approval of vendor contracts.

In accordance with federal regulations, INDOT performs a federal post-delivery audit of vehicles to ensure vendor compliance with vehicle specifications, Buy America requirements and federal motor vehicle safety standards.

Restrictions on Lobbying

INDOT Section 5310 subrecipients awarded FTA assistance exceeding \$100,000 will sign a certification so stating (restrictions on lobbying) and must disclose the expenditure of non-Federal funds for such purposes (49 CFR part 20). INDOT will gather signed certification(s) at time of subrecipient grant application to INDOT.

INDOT will also ensure its restrictions on lobbying by signing the annual list of certifications submitted with its annual grant application to the regional FTA office.


Prohibition of Exclusive School Transportation

Through its subrecipient compliance reviews, INDOT ensures that subrecipients are not providing exclusive school transportation.

Drug/Alcohol Testing

INDOT Subrecipients that receive only Section 5310 will comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold Commercial Driver's Licenses (49 CFR part 382). INDOT Section 5310 subrecipients that also receive funding under one of the covered FTA programs (Sections 5307, 5309 and 5311) will include any employees funded under Section 5310 projects in their testing program.

APPENDIX A – SEMI ANNUAL REPORT

| | | | |
|--|--|---|--|
|  | SEMI-ANNUAL REPORT FOR SECTION 5310 VEHICLES OT Form 5310e (R/02-05) | This report is due on the 18th of the month following the end of the reporting half for each Section 5310 vehicle | E-Mail completed report to: bjones@indot.in.gov Phone #317/232-1493 |
| Name of Agency: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | | | |
| Period covered by this report (indicate year/half) <div style="display: flex; justify-content: space-between; align-items: center;"> 01/01/____ to 6/30/____ OR 07/01/____ to 12/31/____ </div> | | | |
| INDOT Grant Number <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | | Vehicle Serial Number: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | |

SECTION 1 - OPERATING CHARACTERISTICS

| | | |
|---|----------|--|
| A. Total mileage..... | A | |
| B. Odometer reading at the end of this half..... | B | |
| C. Number of days the vehicle was operated | C | |
| D. Average number of hours per day vehicle was operated | D | |

SECTION 2 - RIDERSHIP (ONE WAY PASSENGER TRIPS)*

| | | |
|--|----------|---|
| F. Elderly (non-disabled) | F | |
| G. Elderly (disabled) | G | |
| H. Disabled (under 60 years of age) | H | |
| I. Other (neither elderly or disabled) | I | |
| J. Total number of trips (add lines F through I) | J | |
| <i>* A passenger trip is defined as one origin-to-destination trip for each passenger. Thus, the return trip is a separate passenger-trip.</i> | | |
| K. Meal delivery trips (see back of form for explanation)..... | K | 0 |

SECTION 3 - FINANCIAL DATA

| | | |
|--|----------|--|
| L. Total costs this half for this vehicle | L | |
| (fuel & oil, service & repair, driver wages, insurance, tires, etc.) | | |
| M. Donations/Revenues | M | |
| N. Net Cost (subtract line M from line L) | N | |

SECTION 4 - ASSURANCES

| | |
|--|---|
| I certify that: 1. The above information is true and verifiable. 2. Our agency continues to operate and maintain the vehicle for the purpose originally stated in the grant application and contract. 3. Our transportation service, when viewed in its entirety, provides equivalent service to individuals with disabilities. 4. The vehicle has not been damaged or taken out of service. 5. The Grantee continues to be eligible to receive federal assistance (no debarment, suspension, bankruptcy, lawsuits, etc.) Any exceptions to these statements must be explained in your e-mail to INDOT. | |
| Name of Executive Director or authorized representative: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | Today's Date: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |

SEMI-ANNUAL MONITORING REPORT INSTRUCTIONS

Enter all information in cells outlined in red on the Semi-annual Report

Name of Agency Your agency's full name - as stated on your grant contract

Period Covered Indicate which time period

INDOT Grant Number Enter the grant number associated with the particular vehicle

Serial Number Manufacturer's serial number located on a metal plate in the lower left hand corner of the windshield

Operating Characteristics

- A. *Total Mileage* is the difference between the odometer reading at the end of the last half and this half.
- B. *Number of Gallons* ... is the number of gallons of fuel used in the vehicle during the past six months.
- C. *Odometer reading* ... is the odometer reading taken at the end of the reporting half.
- D. *Number of days* ... is the total number of days during the half that the vehicle was used for transportation purposes.
- E. *Average number of hours* ... is the average number of hours per day that the vehicle was providing transportation services

Ridership

Ridership figures should reflect the number of one-way passenger trips carried. A passenger trip is one origin-to-destination for each passenger. Thus, the return trip would be a separate passenger trip.

- F. *Elderly (non-disabled)*: One-way trips involving persons who are 60 or over, and without a disability.
- G. *Elderly (disabled)*: One-way trips involving persons who are 60 or over, and disabled.
Disabled means those disabilities covered under the Americans with Disabilities Act.
- H. *Disabled*: One-way trips persons under age 60. Disabled means those disabilities covered under the Americans with Disabilities Act.
- I. *Other*: One-way trips persons neither elderly and/or disabled
- J. *Total Number of trips*: Add lines F through J
- K. *Meal delivery trips*: Any trip that provides meal delivery. A meal delivery trip is one origin-to-origin trip for the vehicle.
For example, the vehicle leaves your agency to deliver meals and returns to your agency - this counts as one trip.
If the vehicle goes out again to deliver more meals and returns, that counts as one trip.
Meal delivery trips **do not** count as a passenger trip.

Financial Data

- L. *Total costs for this vehicle*: Include fuel, oil, service and repair, driver wages, insurance, tires, etc., during the past six months
- M. *Donations/Revenue*: Income from donations, fares, fees, reimbursements, etc., as a result of the passenger service provided by the vehicle.
- N. *Net Costs*: Total cost minus donations/revenue ($N = L - M$)

Assurances: INDOT requires certification that the grantee is using the vehicle responsibly.

The grantee must full describe any exception to items 1 through 4 and submit it with the quarterly report form.

Person submitting report: Agency representative submitting report to INDOT.

Date: Please provide the date this report was completed.

APPENDIX B

SECTION 5310 PROGRAM REVIEW QUESTIONNAIRE

On-site Review Date: _____ Reviewer: _____

Grantee: _____

Active Section 5310 Grants: _____

1. VEHICLE/ACCESSIBILITY EQUIPMENT MAINTENANCE AND REPAIR

Yes No Agency maintenance records reflect compliance with manufacturer's recommended preventative maintenance schedules.

Yes No Agency pre-trip inspection records are available for inspection (pre-trip form)

Yes No Does the agency perform pre-trip inspection of lift equipment?

Yes No Does the agency have a regular maintenance schedule for lift equipment?

| | |
|---------------------|--|
| Purpose: | To examine the grantee's vehicle maintenance record and insure that vehicles are being properly maintained. |
| Explanation: | <p><i>As referenced in the INDOT Section 5310 grant contract, Part II, Section 8, <u>Use of Equipment and Property</u>, Paragraph E states that "During the useful life of the equipment and facilities the Grantee shall maintain such Project equipment and facilities at a high level of cleanliness, safety, and mechanical soundness and in accordance with guidelines or regulations which the Grantor Agency may issue. The Grantor Agency shall have the right to conduct periodic inspections for the purpose of confirming proper maintenance pursuant to this Section."</i></p> <p><i>The Indiana Section 5310 State Management Plan states "INDOT requires grantees to perform preventative maintenance as recommended by the equipment manufacturer. Qualified personnel should perform all necessary maintenance."</i></p> |

2. INSURANCE

Yes No Grantee has valid Certificate of Insurance on file (provide copy to INDOT).

Yes No Insurance meets Indiana minimums and protects FTA interest (80%).

| | |
|---------------------|--|
| Purpose: | To determine whether the vehicles used by the grantee are insured, that amounts listed will meet Indiana minimums, and that the insurance will reimburse INDOT/grantee for the market value of the vehicle in case of an accident. |
| Explanation: | <p><i>Section 5 of the Section 5310 Grant Contract states that the Grantee shall comply with all applicable insurance, surety bonds, and qualifications of self-insurer, and provisions of Federal, State and local law. The Grantee also certifies protection of the Federal interest (80%) in the Project equipment, and that it shall safeguard against loss, damage or theft of equipment.</i></p> |

3. VEHICLE USE

Yes No Semi Annual Reports are on file at INDOT, and are complete & current.

Yes No Significant service gaps identified in semi annual reports are justified.

| | |
|---------------------|--|
| Purpose: | To determine that the grantee is using the vehicle to primarily transport the elderly and disabled, that the grantee is filing semi annual reports in a timely manner, and that the grantee has sufficiently explained any significant service gaps in use of the vehicle. |
| Explanation: | <i>In the Section 5310 grant contract, under Part II, Section 8, <u>Use of Equipment and Property</u>, Paragraph F, states, "The Grantee shall submit to the INDOT at the end of each six months a certification that the Project equipment and facilities continue to be used in accordance with the terms of this Agreement"</i> |

4. COORDINATION

Yes No Documented participation in four (4) Transportation Advisory Committee meetings in the past year.

Other evidence of coordinated effort: _____

| | |
|---------------------|---|
| Purpose: | To determine whether the grantee is continuing - after receiving the grant award - to participate in efforts to coordinate transportation services. |
| Explanation: | <i>The Federal Section 5310 Circular states that "The program seeks to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of Federal resources and achieve the national goal of improved mobility for elderly persons and persons with disabilities.</i> <i>The Section 5310 Program Guide states grantees must conduct or attend Transportation Advisory Committee meetings on a quarterly basis. The Section 5310 Grant Contract states in Part II, Section 9, Part N "The grantee has and will, to the maximum extent feasible, coordinate with other transportation providers and users, including social service agencies authorized to purchase transit service."</i> |

5. PROPERTY RECORDS

Yes No Grantee vehicle records are consistent with INDOT vehicle inventory records

Yes No Titles are on file with INDOT.

Yes No Grant contract(s) are on file with Grantee.

| | |
|---------------------|---|
| Purpose: | To determine that the grantee's vehicle records are the same as INDOT's, that the titles are on file with INDOT, and that the grantee has an executed copy of the grant contract. |
| Explanation: | <i>In the Section 5310 Grant Contract, under Section 3, <u>Accounting Records</u>, Part A - <u>Submission of Reports, Proceedings, Contracts and Other Documents</u>, "The Grantee shall establish and maintain accounts for this Project within its existing accounting system or set them up independently.</i> |

6. CONTROL OF EQUIPMENT

Yes No Grantee maintains control of and responsibility for vehicle(s).

Yes No Copy of applicable sub-lease and/or vehicle-sharing agreements are on file with agency and INDOT.

Purpose: **To determine whether grantee retains control and responsibility for the vehicle(s) and that INDOT /grantee has a copy of any vehicle lease/sharing agreement.**

Explanation: *The Federal Section 5310 Circular allows vehicles to be leased to other entities. However, the lease between the grantee and entity must contain the terms and conditions that must be met in providing transportation to the elderly and disabled. Other uses of the vehicle by the entity are allowed, only to the extent that they do not interfere with provision of services to the elderly and disabled.*

Control and responsibility for the operation of the vehicles must remain with the grantee, unless transfer to another eligible agency (of the control and responsibility) has been authorized by INDOT.

Any leases or vehicle-sharing agreements must be approved by INDOT prior to grant award. The grantee and INDOT must maintain a copy in their grant files. The agreement must contain, by reference, all federal/state regulations, laws and statutes contained in the contract between INDOT and the grantee.

7. INCIDENTAL USE

Yes No Vehicle(s) is used for non-passenger transportation trips (meals, equipment, supplies, etc.).
Percentage of time: _____

Yes No Vehicle(s) is used for school bus service. Percentage of time: _____

Purpose: **To determine whether grantee uses the vehicle for any non-passenger transportation (FTA Circular page VI-1) or exclusive school bus service (Section 5323(f) of Federal Transit Act).**

Explanation: *The Federal Section 5310 Circular allows grantees to provide non-passenger transportation, but only if the service does not conflict with the provision of transit services, or result in the reduction of services.*

Section 5323(f) of the Federal Transit Act allows grantees to provide school bus service. However, this service cannot be exclusive (school children only) and cannot compete with private school bus providers.

8. ADA COMPLIANCE

- | | | |
|-----|----|--|
| Yes | No | Does grantee provide equivalent transportation service to persons with disabilities (response time, fares, geographic service area, hours and days of service, restrictions on trip purpose, availability of information and reservation capability, constraints on capacity or service availability)? |
| Yes | No | Any ADA-related complaints or lawsuits filed against the grantee (in the past three years)? |
| Yes | No | Does the grantee have procedures for investigating and tracking ADA complaints filed against them and making their procedures for filing a complaint available to members of the public upon request? |
| Yes | No | Does grantee have written policies regarding transporting of service animals, personal care attendants and portable oxygen? |

Purpose: To determine if the grantee is complying with provisions of the American with Disabilities Act.

Explanation: The Americans with Disabilities Act prohibits discrimination against persons with disabilities. The grantee cannot prohibit an individual with a disability from traveling with a service animal, personal care attendant, or portable oxygen. The grantee cannot charge for transporting a personal care attendant.

9. CIVIL RIGHTS

- | | | |
|-----|----|---|
| Yes | No | Does Grantee have any complaints or pending lawsuits (in the past three years) which allege discrimination on the basis of race, color, or national origin with respect to service or other transportation benefit? |
| Yes | No | Does the grantee have procedures for investigating and tracking Civil Rights complaints filed against them and making their procedures for filing a complaint available to members of the public upon request? |
| Yes | No | Has Grantee participated in a civil rights compliance review within the past three years? |

Purpose: To determine if the grantee is complying with provisions of Title VI of the Civil Rights Act of 1964.

Explanation: Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin.

10. EQUAL EMPLOYMENT OPPORTUNITY(EEO)

- Yes No Does Grantee have any complaints or pending lawsuits (in the past three years) which allege discrimination on the basis of race, color, age, creed, sex or national against any employee or applicant for employment?
- Yes No Does the grantee have procedures for investigating and tracking EEO complaints filed against them and making their procedures for filing a complaint available to members of the public upon request?
- Yes No Has Grantee participated in an EEO review within the past three years?

Purpose: To determine if the grantee is complying with provisions of Title VI of the Civil Rights Act of 1964 and FTA EEO Circular 4704.1.

Explanation: Grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin.

11. AGENCY FISCAL AND ADMINISTRATIVE RESPONSIBILITY

- Yes No Does the Grantee continue to be eligible to receive federal assistance (no debarment, suspension, bankruptcy, lawsuits, etc.)
- Yes No Any unresolved findings in most recent agency audit related to the Section 5310 program?
(Grantee should provide reviewer with most recent copy of agency audit)

Purpose: To determine if the grantee continues to be eligible to receive federal assistance.

Explanation: As required by USDOT Regulations on Governmentwide Debarment and Suspension (Nonprocurement) at 49 CFR 29.510.

GENERAL COMMENTS:

RECOMMENDATIONS/REMEDIAL ACTIONS

DATE COMPLETED

Based on the above desk audit, site visit and follow-up activity (if required), I hereby certify that the above grantee complies with applicable requirements of the federal Section 5310 Capital Assistance Program.

Reviewer: _____

Date: _____

ADA TRANSPORTATION SERVICE PROVISIONS:

(To be handed out to grantees at the program review)

All Section 5310 grantees are expected to meet the following transportation-related provisions of the Americans with Disabilities Act:

- All common wheelchairs and their users shall be transported.
- Wheelchairs shall be placed in designated securement locations.
- Service cannot be denied because the wheelchair cannot be satisfactorily secured or restrained by the vehicle's securement system.
- The grantee may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. However, the grantee may not require the individual to transfer.
- Where necessary or upon request, the grantee's personnel shall assist individuals with disabilities with the use of the securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.
- The grantee shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
- The grantee shall permit service animals to accompany individuals with disabilities in vehicles and facilities.
- The grantee shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features.
- The grantee shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available through accessible formats and technology, to enable users to obtain information and schedule service.
- The grantee shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the grantee, preclude the safe use of the stop by all passengers.
- The grantee shall not prohibit an individual with disabilities from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR subtitle B, chapter 1, subchapter C).
- The grantee shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.
- The Grantee shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.
- Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the Grantee shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. This does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

APPENDIX C LOCAL PUBLIC BODY ELIGIBILITY

In order to apply, a Local Public Body (defined as a “municipal corporation” in Indiana Code 36-1-2-10) **shall satisfy one of the following conditions [(a) or (b)]:**

- (a) **LOCAL PUBLIC BODY - NO PRIVATE NON-PROFIT AVAILABLE – By January 9, 2008**, certify to the Indiana Department of Transportation Office of Transit (see Sample Letter Requesting Certification of Eligibility – page 5) that no private, nonprofit organizations in the proposed service area are readily available to provide transportation services to elderly and disabled persons in the proposed service area and provide all of the following documentation:
 - 1. Copies of the Availability of Private Non-Profit Letter (page 2) are sent to all known private, nonprofit organizations, both within the county wherein such organizations are situated and in adjacent counties, along with copies of any resulting correspondence. Mailing list and responses are recorded on the Availability of Private Non-Profit Responses Form (page 3).
 - 2. A certified copy of a public notice (see Notice to Private Non-Profit Organizations of Intent to Apply on page 4) published in the appropriate official county newspaper, both within the county wherein such organizations are situated and in adjacent counties, along with copies of any resulting correspondence.

- (b) **LOCAL PUBLIC BODY - DESIGNATED TRANSPORTATION COORDINATOR (OF TRANSPORTATION SERVICES FOR ELDERLY AND DISABLED PERSONS)– By January 9, 2008** - Is approved by the Indiana Department of Transportation Office of Transit (see Sample Letter Requesting Designation – page 6) to be the coordinator of transportation services to elderly and disabled persons in the proposed service area after first being approved by:
 - 1. **Non-urbanized area less than 50,000 population** - A county or multi-county not-for profit agency involved in providing services to elderly persons and/or persons with disabilities; or
 - 2. **Urbanized area 50,000 or greater population** - A Metropolitan Planning Organization (MPO).

The Local Public Body must provide a copy of documentation showing that one of the above-mentioned agencies approved the Local Public Body as the coordinator of transportation services for elderly and disabled persons in the proposed service area. A Local Public Body may not designate itself as the coordinator of these services.

The Local Public Body must meet all other requirements of the Section 5310 grant program.

AVAILABILITY OF PRIVATE NON-PROFIT LETTER

(Date)

(Name)

(Address)

Dear _____:

The _____, a municipal corporation, is requesting approval by the Indiana Department of Transportation as an eligible applicant in order to receive assistance under the federal Section 5310 Program for providing transportation services to elderly persons and persons with disabilities in _____ County. A notice of intent has been published.

A condition of eligibility is that no private, non-profit organizations as specified in the proposed service area (list service area) _____ are readily available to provide transportation services to elderly and disabled persons in _____ County. This letter is being sent to private, non-profit organizations in _____ County and adjacent counties to solicit interest in providing transportation services for elderly and disabled persons in _____ County.

Your written objections to this certification or requests to us for additional information must be received, or postmarked, no later than [_____, 200__

If you have any questions, please feel free to call me at _____. You may also wish to contact the Indiana Department of Transportation, (Brian Jones 317-232-1493).

Sincerely,

(Signature)

(Title)

AVAILABILITY OF PRIVATE NON-PROFIT RESPONSES FORM

Letters were sent on (date) to the following private, non-profit organizations in (county) and adjacent counties. Indicate responses (if any) received. Indicate any opposition to certification of (the local public body). Attach copies of any responses and related correspondence.

| Name | Address | Response Received | |
|------|---------|--------------------------|--------------------------|
| | | Yes | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
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| | | <input type="checkbox"/> | <input type="checkbox"/> |

NOTICE TO PRIVATE NON-PROFIT ORGANIZATIONS OF INTENT TO APPLY

Directions: Publish in official county newspaper.

The (local public body/municipal corporation), hereby provides notice that it is requesting from the Indiana Department of Transportation certification as a local public body eligible for assistance under the federal Section 5310 Program for the purpose of providing transportation services for elderly persons and persons with disabilities in _____ County.

Individuals or agencies wishing to comment, to request transportation service, to provide transportation service for the (local public body name), or to receive additional information concerning this certification, should contact (name of contact person, telephone number, address).

Formal requests for additional information must be made in writing by [_____, 200__].

**SAMPLE LETTER REQUESTING CERTIFICATION OF ELIGIBILITY
LOCAL PUBLIC BODY – NO PRIVATE NONPROFIT AVAILABLE**

Directions: Send for approval prior to submitting application.

(Insert Date)

Section Manager
Office of Transit
Indiana Department of Transportation
100 North Senate, Room N955
Indianapolis, IN 46204

Dear Section Manager:

The (name of local public body), a unit of county government, requests to be designated an Eligible Applicant for assistance under the federal Section 5310 Program. We have met the eligibility conditions as noted in the Section 5310 grant application.

Attached is a copy of the letter sent to all known private, nonprofit organizations in (county name) and adjacent counties, soliciting interest in providing transportation services for elderly persons and persons with disabilities in (name) County. The letter was sent on (date). The following is attached:

- (a) A list of agencies receiving the letter;
- (b) Request(s) for further information we received;
- (c) Our response(s) to the request(s) for further information;
- (d) A statement that we received no responses in opposition to the (name of local public body) becoming eligible to receive assistance from Sec. 5310; and
- (e) Certified copies of the public notices published in the respective county newspapers with the largest circulation.

No responses were received as a result of these public notices.

If you have any questions, please call (name and telephone number of contact person).

Sincerely,

(Name of Public Official)
(Title of Public Official)

**SAMPLE LETTER REQUESTING CERTIFICATION OF ELIGIBILITY
LOCAL PUBLIC BODY – DESIGNATED AS TRANSPORTATION COORDINATOR**

Directions: Send for approval prior to submitting application (January 9, 2008).

(Insert Date)

Section Manager
Office of Transit
Indiana Department of Transportation
100 North Senate, Room N955
Indianapolis, IN 46204

Dear Section Manager:

The (name of local public body), requests to be designated an Eligible Applicant for assistance under the federal section 5310 Program. Our (name of local public body) is approved as the coordinator of transportation services for elderly persons and persons with disabilities by one of the following:

- A county or multi-county not-for profit agency involved in providing services to elderly persons and/or persons with disabilities; or
- A Metropolitan Planning Organization (MPO)

Attached is a copy of documentation showing that one of the above-mentioned agencies approved the (name of Local Public Body) as the coordinator of transportation services for elderly and disabled persons in the proposed service area.

If you have any questions, please call (name and telephone number of contact person).

Sincerely,

(Name of Public Official)
(Title of Public Official)